

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

ANTHONY LEVI HILL,

Plaintiff,

vs.

STATE OF MONTANA and
GALLATIN COUNTY,

Defendants.

CV 21-70-BU-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on December 9, 2021. (Doc. 9.) Judge Johnston recommended that this matter should be DISMISSED; that the Clerk of Court should be directed to close this matter and enter a judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure; have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith; and have the Plaintiff's filing of this action count as one strike against him pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). (*Id.*)

No party has filed an objection to the Findings and Recommendations. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309,

1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 9) are **ADOPTED IN FULL**.

1. This matter is **DISMISSED** for failure to state a federal claim;
2. The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure;
3. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. The record makes plain the instant Complaint is frivolous as it lacks arguable substance in law or fact; and
4. Pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), Hill's filing of this action counts as one strike against him.

DATED this 12th day of January, 2022.



Brian Morris, Chief District Judge
United States District Court